IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL NO.310 OF 2006
IN
NOTICE OF MOTION NO.231 OF 2006
IN
SUIT NO.183 OF 2006

Sanghvi Premises Pvt. Ltd. ..Appellants.
(Ori.Plffs.)

Vs.

National (India) Contractors
& Engineers ..Respondents.
(Orig.Defts.)

Mr.Ravi Kadam, the learned Advocate General with Mr.Birendra Saraf with Mr.Sandeep Parikh i/b.M/s.I.C.Legal, for the Appellants.

Mr.U.P.Bobde with Mr.A.Z.Mookhtias i/b. Mr.A.T.Q. Motiwala for the Respondents.

CORAM: DR.S.RADHAKRISHNAN AND
S.J.VAZIFDAR, JJ.
DATED: 4TH MAY, 2006

P.C. :

1. Heard learned counsel for the Appellant and the learned counsel for the Respondents.

2. Appeal is admitted. The learned counsel appearing on behalf of the Respondents waives service. By consent, take up for hearing.

3. By this Appeal, the Appellant is challenging the order dated 3rd February, 2006 whereby the learned Single Judge has declined to grant any ad-interim

relief.

4. After hearing the parties for some time, the learned Advocate General, appearing for the Appellant, states that without prejudice to the rights and contentions of the Appellant, the Appellant is ready and willing to deposit a sum of Rs.1.75 crores in this Court within a period of four weeks from today with the Prothonotary and Senior Master. The said amount of Rs.1.75 crores be invested in any Nationalised Bank in a Fixed Deposit, initially for a period of one year and to be renewed thereafter.

5. The Respondents shall be entitled to carry on the construction on the suit property. The Respondents shall not alienate, encumber, part with possession of or create any third party rights in respect of the free sale portion of the aforesaid property, till the disposal of the Notice of Motion. This restraint shall not apply in respect of the rehabilitation portion/tenaments which the Respondents are at liberty to deal with in accordance with law.

6. Having regard to the peculiar facts and circumstances of the case, we request the learned

Single Judge to expeditiously dispose of the Notice of Motion.

7. Appeal stands disposed of accordingly with the clarification that the order is strictly without prejudice to the rights and contentions of the parties and no part of this order shall be construed as an expression of any opinion on the rival contentions of the parties.

(DR.S.RADHAKRISHNAN, J.)

(S.J. VAZIFDAR, J.)